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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ ARB.P. 199/2019

M/S M.V. OMNI PROJECTS (INDIA) LIMITED Petitioner

Through: Ms.Pranita Shekhar and Mr. Subodh
K. Pathak, Advs.

versus

THE EXECUTIVE ENGINEER CENTRAL PUBLIC WORKS
DEPARTMENT Respondent

Through: Mr. Ruchir Mishra, Mr. Mukesh Kr.
Tripathi, Mr. Sanjiv K. Saxena,
Mr.Abhishek Rana and Mr. R.
Mishra, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **23.08.2019**

1. This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator.
2. The contract stipulates appointment of an arbitrator by the Chief Engineer. The contract also stipulates dispute resolution mechanism which, according to the learned counsel for the petitioner, has been availed of. He states that the petitioner has made a representation dated May 16, 2019 to the Chief Engineer for appointment of an arbitrator which according to Mr. Mishra, learned counsel for the respondent, was a premature request as on the date of representation the process of Dispute Resolution Committee was not complete.
3. Mr. Mishra concedes that the Dispute Resolution Committee's

decision has now come, rejecting the claims of the petitioner.

4. If that be so, learned counsel for the petitioner, today, submits before the Court that he would be happy if the respondent considers the appointment of an arbitrator in terms of the contract.

5. Mr. Mishra states, the respondent shall appoint a contractor within four weeks. The statement is taken on record.

6. The present petition is disposed of accordingly.

Dasti.

V. KAMESWAR RAO, J

AUGUST 23, 2019/bh